

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**TAWANDA HALL, CAROLYN MILLER,
AMERICAN INTERNET GROUP, LLC,
ANTHONY AKANDE, CURTIS LEE AND
CORETHA LEE, MARCUS BYERS, and
KRISTINA GOVAN**, individually and
all those similarly situated in the City
of Southfield

Plaintiffs,

v.

Case No. 3:20-cv-12230-RHC-EAS
Hon. Robert H. Cleland
Mag. Judge Elizabeth A. Stafford

<p><u>NOTICE PURSUANT TO</u> <u>MICH. R. PRO. CONDUCT</u> <u>1.10(B)(2)</u></p>
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OAKLAND COUNTY TREASURER ANDY MEISNER,
in his official and individual capacities;
**OAKLAND COUNTY, SOUTHFIELD NEIGHBORHOOD
REVITALIZATION INITIATIVE, LLC, CITY OF
SOUTHFIELD, FREDERICK ZORN**
in his official and individual capacities,
SOUTHFIELD MAYOR KENSON SIVER in his
official and individual capacities, **SOUTHFIELD
NON-PROFIT HOUSING CORPORATION, HABITAT
FOR HUMANITY OF OAKLAND COUNTY, INC., SUSAN
WARD-WITKOWSKI**, in her former official and
individual capacities, **GERALD WITKOWSKI**, in his
official and individual capacities, **TREASURER IRVIN
LOWENBERG**, and in his official and individual
capacities, **MITCHELL SIMON**, and **E'TOILE LIBBETT**,

Defendants.

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NOTICE PURSUANT TO MICH. R. PRO. CONDUCT 1.10(B)(2)

Pursuant to Mich. R. Pro. Conduct 1.10(b)(2), the undersigned counsel states the following:

- 1) That one of the Plaintiffs in this matter, Tawanda Hall, previously brought suit against Defendants City of Southfield, Ken Siver, Frederick Zorn, Sue Ward-Witkowski, and Irv Lowenberg (the “Defendants”) in the Eastern District of Michigan, Case Number 2:18-cv-14086 (the “Previous Case”), regarding the same subject matter of this case.
- 2) That when the undersigned counsel spoke with Ms. Hall on April 5, 2019, she agreed to dismiss the Defendants from the Previous Case.

- 3) That on Monday, April 8, 2019, the undersigned counsel received an e-mail from a student attorney with the Federal *Pro Se* Legal Assistance Clinic, Paulina Kennedy, with a proposed stipulation to dismiss the Previous Case without prejudice against the Defendants. [Exhibit 1 – E-mail from Paulina Kennedy].
- 4) That on Wednesday, April 10, 2019, the undersigned counsel e-mailed Ms. Kennedy, indicating that Defendants were only agreeable to a dismissal with prejudice, and attached a proposed stipulated order to that effect which could be filed with the court if Ms. Hall agreed. [Exhibit 2 – E-mail to Paulina Kennedy].
- 5) That on April 12, 2019, the Stipulation for Voluntary Dismissal with Prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) was filed with the court with Ms. Hall’s signature and Defendants were dismissed from the case with prejudice. [Exhibit 3 – Stipulation to Dismiss].
- 6) That on August 19, 2020, Paulina Kennedy began employment with the undersigned counsel’s firm, Seward Henderson PLLC.
- 7) That Mich. R. Pro. Conduct 1.10(b) provides that:

When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially

related matter in which that lawyer, or a firm with which the lawyer was associated, is disqualified under Rule 1.9(b), unless:

- (1) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and
 - (2) written notice is promptly given to the appropriate tribunal to enable it to ascertain compliance with the provisions of this rule.
- 8) That because of Ms. Kennedy's involvement with the Previous Case on Ms. Hall's behalf, she is disqualified from representing the Defendants in this matter pursuant to Mich. R. Pro. Conduct 1.9(b) unless Ms. Hall consents to such representation after consultation.
- 9) That pursuant to Mich. R. Pro. Conduct 1.10(b)(1), Ms. Kennedy has been screened from any participation in this case and she is being apportioned no part of the fee from the representation of Defendants in this matter.
- 10) That pursuant to Mich. R. Pro. Conduct 1.10(b)(2), notice is hereby being provided to this Court to enable the ascertainment of compliance with Mich. R. Pro. Conduct 1.10(b).

Respectfully submitted,

SEWARD HENDERSON PLLC

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Dated: September 30, 2020

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing and this Certificate of Service with the Clerk of the Court, using the Court's E-filing system that will send notification to all counsel of record, on **September 30, 2020**.

/s/ Fatten Saad
SEWARD HENDERSON PLLC